



PRE-MEETING AGENDA

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**ADRIAN CITY COMMISSION
AGENDA
PRE-MEETING STUDY SESSION
MONDAY,
JANUARY 7, 2013**

The City Commission will meet for a pre-meeting study session on Monday, January 7, 2013 at 5:30 p.m. at the City Chambers at 159 East Maumee Street, Adrian, Michigan.

1. Discussion of health insurance issues.
2. Other items as time permits.



COMMISSION AGENDA

**AGENDA
ADRIAN CITY COMMISSION
JANUARY 7, 2013
7:00PM**

- I. MOMENT OF SILENCE AND PLEDGE OF ALLEGIANCE TO THE FLAG
- II. ROLL CALL
- III. APPROVAL OF THE MINUTES OF THE DECEMBER 17, 2012 REGULAR MEETING OF THE ADRIAN CITY COMMISSION
- IV. PRESENTATION OF ACCOUNTS
- V. PUBLIC COMMENT ON AGENDA ITEMS
- VI. COMMUNICATIONS
 1. **C-1. Finance.** State Revenue Sharing – Update.
- VII. CONSENT AGENDA
 1. **CR13-001. City Commission.** Resolution to reschedule the January 21, 2013 regularly scheduled meeting of the City Commission to Tuesday, January 22, 2013 in observance of Martin Luther King Day.
- VIII. REGULAR AGENDA
 - A. ORDINANCES
 1. **Ord. 13-001.** Introduction of an amendment to the Stormwater ordinance.
 - B. RESOLUTIONS.
 1. **R13-001. Engineering.** Resolution to authorize the modification of the current contract with Stevens Disposal and Recycling Service, Inc. to eliminate monthly costs for the manned Saturday recycling drop-off in exchange for a 2% rate increase on January 2013, July 2013 and July 2014 to the fixed curbside trash pick-up rate of \$5.50/Mo./Unit.
 2. **R13-002. Lenawee Transportation.** Resolution to direct the Transportation Coordinator to request MDOT to approve an agreement with Nola Transportation for operation of the city Dial-A-Ride system.
 3. **R13-003. Lenawee Transportation.** Resolution to authorize the Mayor to enter into a two (2) year agreement with the Lenawee Transportation Corporation for a term beginning on October 1, 2012 and ending September 30, 2014, for the joint employment of a Transportation Coordinator.
 4. **R13-004. Engineering.** Resolution to authorize the purchase of one (1) 4X4 One-Ton Dump Truck with Snow Plow Package through the

Michigan State Cooperative Purchasing Program (MI-Deal), at a cost not to exceed \$39,428.00.

- IX. PUBLIC COMMENT
- X. COMMISSIONERS COMMENTS



MINUTES

**MINUTES
ADRIAN CITY COMMISSION
DECEMBER 17, 2012
7:00 P.M.**

Official proceedings of the December 17, 2012 regular meeting of the City Commission, Adrian, Michigan.

The regular meeting was opened with a moment of silence and the Pledge of Allegiance to the Flag.

PRESENT: Mayor DuMars and Commissioners Gallatin, Warren, Jacobson, Faulhaber, Carrico and Berryman Adams.

Mayor DuMars in the Chair.

Commissioner Berryman Adams motioned to approve the minutes from the December 3, 2012 Commission meeting; seconded by Commissioner Warren, and the motion was carried by a unanimous vote.

PRESENTATION OF ACCOUNTS

Utility Department Receiving Fund Voucher #3718 through #3719	\$97,499.40
General Fund Vouchers #21232 through #21245	\$233,948.21
Clearing Account Vouchers amounting to	<u>\$443,024.47</u>
TOTAL EXPENDITURES	<u>\$774,472.08</u>

On motion by Commissioner Faulhaber, seconded by Commissioner Warren, this resolution was adopted by a unanimous vote.

PUBLIC COMMENT

No public comment

REGULAR AGENDA

RESOLUTION R12-137

RE: **CITY ENGINEER – Biennial Bridge Inspection and Grant Proposal**

WHEREAS, the City Engineer has secured pricing from Tetra Tech, Ann Arbor, MI to provide biennial bridge inspections for 7 City bridges and complete the MDOT 2016 Local Bridge funding application; and

WHEREAS, Task A (\$6,200) of the project entails inspections of 7 City Major and Local street bridges including all required reporting to MDOT:

Major Street:

Bent Oak Ave. over River Raisin
Bent Oak Ave. over Wolf Creek
W. Maumee St. over River Raisin
College Ave. over River Raisin
Michigan Ave over River Raisin
Maple Ave. over River Raisin

Local Street:

Merrick St. over River Raisin

Task B (\$6,300) of the project includes development of a funding application for submittal to MDOT for substructure painting and riprap for scour prevention; and

WHEREAS, due to the familiarity by the vendor of the specific job requirements, the City Engineer and City Administrator recommend waiving of the competitive bid process in the best interests of the City, select and engage Tetra Tech, Ann Arbor, MI in the City's Standard Professional Services Contract to perform both tasks at a cost not to exceed \$12,500; and

WHEREAS, the Finance Director indicates that sufficient funds are available for this purpose in the Major Street Fund \$10,700 (202-473.00-801.000 Contract Services) and Local Street Fund \$1,800 (203-473.00-801.000 Contract Services); and

NOW, THEREFORE BE IT RESOLVED, that the Adrian City Commission, by this resolution, hereby approves the selection and engagement of Tetra Tech, Ann Arbor, MI in the City's Standard Professional Services Contract to provide biennial bridge inspections for 7 City bridges and complete the MDOT 2016 Local Bridge funding application.

BE IT FURTHER RESOLVED that, in the best interests of the City, the competitive bid process be waived, in accordance with the City's Purchasing Policy as specified in Chapter 12 of the City Charter and Section 2-304 of the Codified City Ordinances.

On motion by Commissioner Carrico, seconded by Commissioner Gallatin, this resolution was adopted by a unanimous vote.

RESOLUTION R12-138

RE: **UTILITIES DEPARTMENT AND CITY ENGINEER– Revised Contract with Michigan Department of Transportation (MDOT) South Main Street (M-52) Reconstruction Project – Related Sanitary Sewer and Local Street Improvements**

WHEREAS the Adrian City Commission, by Resolution R12-033 dated April 2, 2012, approved a contract with the Michigan Department of Transportation (MDOT) to install new sanitary sewer and related water main and local street improvements associated with the reconstruction of South Main Street (M-52); and

WHEREAS MDOT has submitted to the City of Adrian a REVISED contract (#12-5076) due to the inability to reach an easement agreement with a property owner for the

replacement of sanitary sewer which reduced the original contract amount allocated to Right-of-Way acquisition; and

WHEREAS the estimated cost of Right-of-Way Acquisition of \$34,000 is being reduced to \$24,500, which the Finance Director indicates has been provided for in the FY2012-13 Budget in the following accounts: Sewer Capital Projects Fund (497-555.00-975.142) and Local Street Fund (203-451.10-801.203); and

WHEREAS the Utilities Director, City Engineer and City Administrator recommend that the City Commission authorize the Mayor and City Clerk to sign the appropriate revised contract documents; and

NOW THEREFORE BE IT RESOLVED that the Adrian City Commission, by this resolution, hereby approves the REVISED Michigan Department of Transportation (MDOT) Contract No. 12-5076, Job Nos. 87522A, 87522B, and 87522C, and authorizes the Mayor and City Clerk to sign the appropriate contract documents implementing reconstruction of South Main Street (M-52), including related sanitary sewer installation, as well as related road and drainage improvements.

On motion by Commissioner Carrico, seconded by Commissioner Berryman Adams, this resolution was adopted by a unanimous vote.

RESOLUTION R12-139

RE: **DEPARTMENT OF UTILITIES – Authorization to Purchase and Install Water Meters**

WHEREAS the Utilities Department has an ongoing water meter upgrade and replacement program that consolidates all purchases from the same vendor to provide economies due to consistent technology and parts inventory; and

WHEREAS Michigan Meter, Madison Heights, MI is the sole authorized supplier of Neptune Water Meter products in Michigan, which the City has used for several years; and

WHEREAS the Utilities Director recommends that the City's best interests would be served by waiving the bid process to complete another water meter replacement project from Michigan Meter; and

WHEREAS sufficient funds are available in the FY2012-13 Water Capital Project Fund (#496) Budget to cover the cost of these meters, specifically:

(496-531.00-977.502)	ARB Large Meters	\$26,053.00
(496-531.00-977.504)	Meter Replacement	\$55,757.90

Total	<u>\$81,810.90</u> ; and
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WHEREAS the City Administrator recommends approval of this resolution.

NOW THEREFORE BE IT RESOLVED that the Adrian City Commission by this resolution hereby authorizes the purchase and installation of water meters from Michigan Meter, Madison Heights, MI in amount of \$81,810.90 with funds for this project designated in the Water Capital Project Fund (#496) Budget, specifically:

(496-531.00-977.502)	ARB Large Meters	\$26,073.00
(496-531.00-977.504)	Meter Replacement	\$55,757.90
	Total	<u>\$81,810.90</u>

BE IT FURTHER RESOLVED that, in the best interests of the City and in accordance with the provisions of Chapter 12 of the City Charter and Chapter 9 of the Codified City Ordinances, the competitive bid process be waived..

On motion by Commissioner Jacobson, seconded by Commissioner Warren, this resolution was adopted by a unanimous vote.

RESOLUTION R12-140

RE: ADRIAN PUBLIC LIBRARY – BTOP Technology Upgrade Grant Acceptance and Data and Electrical Upgrades

WHEREAS Michigan State University, administering grant funds provided by the American Recovery and Reinvestment Act, has awarded funding to the City of Adrian in the amount of \$55,422.81 for the purpose of acquiring 22 public computers, 11 laptops, a laptop cart, computer furniture, and technology equipment for the Adrian Public Library; and

WHEREAS the 22 public computers, 11 laptops, a laptop cart, computer furniture, and technology equipment will be purchased by Michigan State University, donated to the City of Adrian for use by the Library and become City assets recorded in the appropriate funds; and

WHEREAS the cost of the data upgrades is \$5,263, is awarded to Commspec, Adrian, MI; and

WHEREAS the cost of the electrical upgrades is \$2,345 is awarded to Clegg Electric, Adrian, MI; and

WHEREAS the Library Director and City Administrator recommend acceptance of the aforementioned grant award, commitment of the funds to support the project and authorization for the appropriate amendments to the FY2012-2013 Budget.

NOW THEREFORE BE IT RESOLVED that the Adrian City Commission, by this resolution, hereby accepts the Michigan State University 2012 BTOP Grant in the amount of \$55,422.81 for the purpose of purchasing computers, furniture and technology equipment for public use at the Adrian Public Library.

BE IT FURTHER RESOLVED that the City Commission authorizes the following FY2012-13 Budget amendments to provide in-kind grant match commitment:

Library Capital Project Fund (975)

Revenue:

(101-738.00-676.101) Library-Deferred Revenue	\$ 1,700.00
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Expenditures:

(101-990.00-990.000) Contingency	\$(5,908.00)
(101-738.00-975-000) Capital Project	7,608.00
Total Expenditures	<u>\$ 1,700.00</u>
Grand Total	<u>\$ -0-</u>

On motion by Commissioner Warren, seconded by Commissioner Berryman Adams, this resolution was adopted by a unanimous vote.

RESOLUTION 12-141

RE: ASSESSOR'S OFFICE – Appoint Member to the Board of Review

WHEREAS, the term of office of Gerald Burg on the Board of Review is due to expire December 31, 2012, which will create a vacancy; and

WHEREAS, this vacancy must be filled in accordance with the Adrian City Charter; and

WHEREAS, Mr. Gerald Burg, 435 Meadowbrook Dr, has expressed a willingness to serve for another 3-year term if reappointed; and

WHEREAS, the Adrian City Commission has given careful consideration to the reappointment of Mr. Burg to the Board of Review.

NOW THEREFORE BE IT RESOLVED, that the Adrian City Commission does hereby approve the reappointment of Gerald Burg to the Board of Review for a 3-year term to expire in 2015.

On motion by Commissioner Faulhaber, seconded by Commissioner Berryman Adams, this resolution was adopted by a vote.

MISCELLANEOUS

1. D.A.R.T. Passenger Ridership Report.
2. Adrian Fire Department Report.
3. Departmental Report.
4. Fall Recreation Program Report.

PUBLIC COMMENTS

No public comments.

COMMISSIONER COMMENTS

1. Commissioner Faulhaber appreciated the tour of Inteva and asked about the rubble left behind when the Dura Plant was torn down and wanted to know the status of this project. Dane Nelson stated that the property was sold on land contract to a

company in Cleveland who simply tore down the building and left. They stopped paying on the land contract.

2. Commissioners Carrico and Warren thanked the staff for their hard work in preparing for the Capital Budget meetings.
3. The Mayor and Commissioners wished everyone a Merry Christmas and Happy New Year.

The next regular meeting of the Adrian City Commission will be held on Monday, January 7, 2013 at 7:00 p.m. in the City Chambers Building, 159 E. Maumee St, Adrian, MI 49221.

Greg DuMars
Mayor

Pat Baker
City Clerk



CHECK REGISTER

January 7, 2013

I have examined the attached vouchers and recommend approval of them for payment.



Dane C. Nelson
City Administrator

DCN:pmb

RESOLVED, that disbursements be and they are hereby authorized for warrants directed to be drawn on the City Treasurer for the following:

Utility Department Vouchers

Vouchers #3720 through #3729 \$116,361.52

General Fund

Vouchers #21246 through #21264 \$426,815.97

Clearing Account Vouchers

amounting to..... \$352,152.05

TOTAL EXPENDITURES \$895,329.54

On motion by Commissioner _____, seconded by
Commissioner _____, this resolution was _____
by a _____ vote.

Jan. 7, 2013

**UTILITIES FUND
CHECK REGISTER**

CHECK#	AMOUNT	PAYEE	DESCRIPTION
3720	\$ 40,786.77	City of Adrian	Nov month end
3721	\$ 79,982.06	City of Adrian Clearing	12/17 Check Register
3722	\$ 48,630.43	Consumers Energy	Nov/Dec Electric
3723	\$ 67.66	Frontier	Nov Telephone
3724	\$ 431.91	Citizens Gas	Nov Heating
3725	\$ 1,800.00	US Postmaster	Postage for water bills
3726	\$ 63,305.88	City of Adrian Payroll	Pay 12/21
3727		VOID	
3728		VOID	
3729	\$ 2,930.83	Citizens Gas	Nov Heating
	\$ 237,935.54		
	\$ (121,574.02)	Less: Check 3718	
	\$ 116,361.52	TOTAL	

January 7, 2013

Jan. 7, 2013

GENERAL FUND
CHECK REGISTER

CHECK#	AMOUNT	PAYEE	DESCRIPTION
21246	\$ 778.80	US Post Master	Postage for recreation brochures
21247	\$ 105.00	City of Adrian - Utilities	EFT Transfer
21248	\$ 32,330.39	City of Adrian	November month end
21249	\$ 303,363.27	City of Adrian Clearing	12/17 AP Check run
21250	\$ 4,075.24	Quick Service Trans	Payroll 12/15
21251	\$ 31,329.55	Consumers Energy	Nov/Dec Electric
21252	\$ 836.15	Frontier	Nov Telephone
21253	\$ 3,779.66	Citizens Gas	Nov Heating
21254	\$ 250.24	City of Adrian - Utilities	EFT Transfer
21255	\$ 469.66	Quick Service Trans	Additional Payroll 12/15
21256	\$ 207,599.84	City of Adrian Payroll	Payroll 12/21
21257	\$ 14,790.03	First Federal Bank	Soc Sec 12/21
21258	\$ 92,419.73	Blue Cross Blue Shield	Jan Health Insurance
21259	\$ 33,065.20	Lenawee Fuels	Fuel and Gas purchase
21260	\$ 342.99	Citizens Gas	Nov Heating
21261	\$ 10.00	Orbit Tech Satellite	Refund overpaid permit
21262	\$ 4,273.09	Quick Service Trans	Payroll 12/22
21263	\$ 360.40	US Post Master	Personal Property statements
21264	\$ -	VOID	
	\$ 730,179.24		
	\$ (303,363.27)	Less : Check 21249	
	\$ 426,815.97		

January 7, 2013

User: SHOLTZ

DB: Adrian

EXP CHECK RUN DATES 12/31/2012 - 12/31/2012

BOTH JOURNALIZED AND UNJOURNALIZED

BOTH OPEN AND PAID

Claimant	Amount Claimed	Amount Owed	Amount Rejected
1. CITY OF ADRIAN	111.89		
2. ADRIAN LOCKSMITH & CYCLERY	485.00		
3. ADRIAN MECHANICAL SERVICES CO.	1,535.00		
4. ADRIAN PAINTERS SUPPLY & EQUIPMENT	14.95		
5. AIRGAS USA, LLC	936.56		
6. APPLE MAT RENTAL	403.45		
7. APPLIED INDUSTRIAL TECHNOLOGIES	257.99		
8. ARCH WIRELESS	34.73		
9. AUTO ZONE COMMERCIAL	286.69		
10. AWE	5,846.00		
11. BAKER & TAYLOR BOOKS	236.58		
12. BARRETT'S GARDEN CENTER, INC	193.45		
13. BATTERY WHOLESALE	29.48		
14. KRISTIN BAUER	20.00		
15. BEACON FORMS & LABELS INC.	1,598.25		
16. MICHELLE BEDDINGFIELD	20.00		
17. BERGGREN'S SHOE REPAIR	35.00		
18. BEST WAY INC	296.99		
19. BIRCHLER ARROYO ASSOC INC	1,000.00		
20. ROBERT BISHOP	240.67		
21. BLACK ROCK TECHNOLOGY GROUP	116.64		
22. BRAKES-N-MORE	350.00		
23. CDW-G COMPUTER SUPPLIES	4,809.60		
24. CHIEF SUPPLY	732.78		
25. CLIA LAB PROGRAM	150.00		
26. C-N CONSTRUCTION SUPPLIES INC	149.84		
27. COAST TO COAST DELI	60.89		
28. COMFORT ENTERPRISES INC.	77.44		
29. COMPUTER CARE COMPANY, INC.	179.90		
30. D&P COMMUNICATIONS, INC.	1,659.08		
31. JERRY DAVIS	139.78		
32. STEVE EBERLE	20.00		
33. EMPCO, INC.	44.00		
34. ENGLEWOOD ELECTRICAL SUPPLY	101.56		
35. ETNA SUPPLY COMPANY	162.20		
36. FASTENAL COMPANY	648.30		
37. FEDERAL EXPRESS	31.68		
38. RUSS FENNER	38.59		
39. FISHER SCIENTIFIC COMPANY LLC	52.18		
40. FOLKMANIS INC	407.55		
41. FYR-FYTER SALES & SERVICE	51.15		
42. GALE	171.88		
43. GEN POWER PRODUCTS INC.	284.00		
44. MARK GIGAX	20.00		
45. STEPHEN HENRY GINTACK	2,410.00		
46. GOVERNMENTAL BUSINESS SYSTEMS INC	85.70		
47. GRAPHICS UNLIMITED	780.00		
48. GREY HOUSE PUBLISHING, INC.	164.00		
49. DENISE GRITZMAKER	20.00		

EXP CHECK RUN DATES 12/31/2012 - 12/31/2012
BOTH JOURNALIZED AND UNJOURNALIZED
BOTH OPEN AND PAID

Claimant	Amount Claimed	Amount Owed	Amount Rejected
50. HACH COMPANY	532.95		
51. HADDEN TIRE COMPANY	50.00		
52. HASTINGS AIR ENERGY CONTROL, INC	402.56		
53. GLEN HAWKINS	142.47		
54. SHANE HORN	20.00		
55. HUBBARD'S AUTO CENTER INC	206.85		
56. ICMA RETIREMENT CORPORATION	158.69		
57. IDEXX LABORATORIES, INC.	460.59		
58. INGRAM LIBRARY SERVICES	91.32		
59. INTERSTATE ALL BATTERY CENTER	449.50		
60. JONES & HENRY ENGINEERS, LTD.	6,467.99		
61. JAMES KARLE	300.00		
62. LESLIE KEANE	55.08		
63. ERIC KELLY	20.00		
64. KEMIRA WATER SOLUTIONS INC	3,466.45		
65. KONICA MINOLTA BUSINESS SOLUTIONS	18.29		
66. BRENT KUBALEK	947.66		
67. WALTER GREG LANFORD	134.52		
68. LANSING SANITARY SUPPLY INC	671.74		
69. LEGACY PRINTING	63.16		
70. LENAWEE COUNTY REGISTER OF DEEDS	150.00		
71. LENAWEE COUNTY TREASURER	282.30		
72. LENAWEE TIRE & SUPPLY CO, INC.	238.52		
73. DUSTIN LENT	176.46		
74. LEXISNEXIS OCC HEALTH SOLUTIONS	203.00		
75. LJ CONSTRUCTION, INC.	81,372.00		
76. MANPOWER OF LANSING MI INC.	2,015.70		
77. MC SPORTS	44.91		
78. GARY MCDOWELL	10,988.87		
79. MCGOWAN ELECTRIC SUPPLY INC	532.93		
80. MUNICIPAL UNEMPLOYMENT COMP	3,341.30		
81. MICHIGAN ASSOC OF CLERKS	100.00		
82. MICHIGAN ASSOCIATION OF	85.00		
83. MICHIGAN BUILDING SPECIALTIES	11,700.00		
84. MICHIGAN METER TECHNOLOGY GROUP INC	7,687.27		
85. MICHIGAN MUNICIPAL TREASURERS	50.00		
86. MICHIGAN PIPE & VALVE INC	425.00		
87. MICHIGAN REC & PARK ASSOC	1,100.00		
88. STATE OF MICHIGAN	4,530.70		
89. STATE OF MICHIGAN	976.50		
90. MICROMARKETING LLC	717.61		
91. MIDWEST TAPE	21.09		
92. MISS DIG SYSTEM INC	808.48		
93. MITCHELL WELDING	457.80		
94. MT BUSINESS TECHNOLOGIES, INC	181.69		
95. MUGS N' MORE IMAGING	277.00		
96. MUNICIPAL CODE CORPORATION	550.00		
97. MUNICIPAL EMPLOYEES' RETIRE	85,097.80		

EXP CHECK RUN DATES 12/31/2012 - 12/31/2012
BOTH JOURNALIZED AND UNJOURNALIZED
BOTH OPEN AND PAID

Claimant	Amount Claimed	Amount Owed	Amount Rejected
98. MUNICIPAL WEB SERVICES	625.00		
99. MUSKEGON AREA DISTRICT LIBRARY	15.00		
100. JOCELYN NEAR	75.00		
101. NELSON TREE SERVICE INC	11,744.46		
102. NEOPOST INC.	508.85		
103. NORTH EASTERN UNIFORMS & EQUIPMENT	354.83		
104. OCE IMAGISTICS INC	132.21		
105. MIKE OSBORN	20.00		
106. OTIS ELEVATOR COMPANY	1,008.00		
107. DAVID PATE	20.00		
108. PATRICIA MCDANIEL	20.00		
109. PEERLESS SUPPLY INC	146.14		
110. PHOENIX SAFETY OUTFITTERS	124.66		
111. PHYSIO-CONTROL, INC.	107.00		
112. PITNEY BOWES INC	93.96		
113. PLATINUM PLUS	3,187.90		
114. PRESORT SERVICES INC	809.03		
115. GLENN PRESTON	20.00		
116. PRO-MED UNIFORM	172.74		
117. QUICK SERVICE TRANSPORTATION	6,441.88		
118. QUILL CORPORATION	657.82		
119. RANDOM HOUSE SCHOOL DIV	10.00		
120. RECORDED BOOKS LLC.	99.00		
121. TIM RITCHIE	20.00		
122. ROBERTSON, EATON & OWEN, PC	4,150.00		
123. RORICK LANDSCAPING LLC	350.00		
124. SAFETY SYSTEMS INC.	120.00		
125. CHARLES SCHMENK	80.00		
126. SCOTTY'S BODY SHOP	1,220.00		
127. SELECTIVE DATA SYSTEMS	219.98		
128. SUSAN SEMENICK	250.00		
129. SIGNAL 88 SECURITY, INC	2,593.15		
130. SMART SIGN	722.00		
131. SPEX CERTIPREP INC	328.57		
132. STAPLES CREDIT PLAN	455.46		
133. STAUDER BARCH & ASSOC INC	500.00		
134. STEVENS DISPOSAL	40,994.25		
135. JEFFREY A. STICKNEY, DO,PC	420.54		
136. STITCH WIZARD EMBROIDERY INC	502.50		
137. SUPERIOR UNIFORM SALES INC.	107.03		
138. TETRA TECH INC	441.35		
139. THOMAS SCIENTIFIC, INC	338.00		
140. TOKAY SOFTWARE	400.00		
141. TRACTOR SUPPLY COMPANY	(21.99)		
142. PAUL TRINKA	20.00		
143. UNITED PARCEL SERVICE	11.76		
144. UNUM LIFE INSURANCE COMPANY	2,303.31		
145. UTILITIES REDUCTION SPECIALISTS INC	149.04		
146. VERIZON	41.09		

EXP CHECK RUN DATES 12/31/2012 - 12/31/2012
BOTH JOURNALIZED AND UNJOURNALIZED
BOTH OPEN AND PAID

Claimant	Amount Claimed	Amount Owed	Amount Rejected
147. VISION PERFORMANCE GROUP	595.49		
148. GREG WALSH	40.26		
149. WASHOVIA SERVICES INC	1,129.82		
150. WATER ENVIRONMENT FEDERATION	107.00		
151. WEISKOPF INDUSTRIES CORP	247.24		
152. WESTERN LIME CORPORATION	10,566.60		
153. RYAN WHITE	20.00		
154. WILLIAMS, JEFFREY M.	13.45		
155. WOODLANDS LIBRARY COOPERATIVE	49.50		
TOTAL ALL CLAIMS	352,152.05		



COMMUNICATIONS



MEMO

Date: January 2, 2013

To: Dane C. Nelson, City Administrator
Hon. Greg DuMars, Mayor
City Commission

From: Jeffrey C. Pardee, Finance Director

A handwritten signature in black ink, appearing to read 'Jeffrey C. Pardee', written over the printed name.

Re: **State Revenue Sharing – Update**

The State of Michigan Department of Treasury has issued the second of six Revenue Sharing payments in the State's FY2012-13 Fiscal Year. There are two components to the payments:

- I. Constitutional Revenue Sharing, which is a continuation of six (6) installments received at the end of October, December, February, April, June and August. The amount of the payments is dependent upon the amount of Sales Tax collected and distributed proportionately to municipalities based on population.

- II. Economic Vitality Incentive Program (EVIP) – formerly Statutory Revenue Sharing which was reduced by one-third (33%) and reconstituted as EVIP, which also is distributed in six (6) installments based on population. However, the EVIP Program has certain prerequisites to determine eligibility, including the following:
 - A. Accountability and Transparency (Required by October 1, 2011) – using dashboards and citizen's guides as specified by the State Department of Treasury, including public reporting of long-term liabilities for pension and other post-employment benefits (health care);
 - B. Creating a cooperation, collaboration, and consolidation plan (Required by February 1, 2013) – Collaborative efforts must be new initiatives.
 - C. Developing a compensation plan that the municipality intends to implement with any new, modified, or extended contract (Required by June 1, 2013). The compensation plan would be required to indicate intent to:
 1. Limit retirement plan costs to 10% (or 16.2% if not eligible for social security); of wages and salaries of employees in the plan.
 2. Require that any pensions be paid based on a final average compensation calculated using at least 3 consecutive years of salary.

3. Limit the amount of paid leave time, vacation time, and overtime hours used to calculated final average compensation to no more than 240 hours.
4. Limit retirement plan multipliers for defined benefit plans for employees eligible for social security to 1.5% (or 2.25% if no retirement health care is provided). Limits the multiple for employees not eligible for social security to 2.25% (or 3.0% if no retiree health care is provided).
5. Effective January 1, 2013, if a health care plan is offered, state intent that employees pay at least 20% of the cost or adhere to a maximum employer cost of \$5,692.50 for a single employee, \$11,385 for a two-person contract, and \$15,525 for a family plan, or municipalities may opt out of this requirement with a two-thirds vote of the legislative body.

EVIP Program:

The City of Adrian has qualified for and been paid \$145,646 for the first category of EVIP requirements, that being the Accountability and Transparency that was due October 1, 2012 (two installments of \$72,823 received on October 27, 2012 and December 28, 2012). The City has made its submission for the second category of EVIP requirements, -creating a cooperation, collaboration, consolidation plan- and expects to receive similar payments on February 28 and April 30, 2013. The City is currently preparing to meet the Employee Compensation requirements, which are due June 1, 2013.

Constitutional Revenue Sharing:

The third Revenue Sharing payment for FY2012-13 (December) was received and recorded. The following schedule compares state Department of Treasury estimated payments for both Constitutional and Statutory Revenue Sharing with actual payments:

<u>Payment Date</u>	<u>FY2011-12</u>	<u>FY2012-13</u>		<u>Variance</u>	
	<u>Actual</u>	<u>Estimated</u>	<u>Actual</u>	<u>Amount</u>	<u>Percent</u>
August	\$416,283	\$ 237,342	\$ 253,043	\$15,701	5.35%
October	261,937	270,222	273,402	3,180	1.18%
December	256,871	256,418	258,379	1,961	0.76%
February	231,927	259,446			
April	241,770	242,657			
June	267,530	246,948			
Total	<u>\$1,676,318</u>	<u>\$1,513,033</u>			

The August, 2011 payment reflects the 2010 census, with a population of 21,029 (which excludes an estimated 104 prisoners incarcerated in the Lenawee County jail). It also included the last Statutory Revenue Sharing payment of \$158,198.

If you have any questions or need for further information, please contact my office.



State Budget Office

Department of Technology, Management & Budget



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Fri Dec 28, 2012



View Payment Details

Review your payment details for the deposit date indicated.

Payee

Payee number: 2386004654
Payee name: CITY OF ADRIAN
Financial Institution: FIRST FED BANK OF THE MIDWEST
Payment Details Delivery Method: Web

Transaction type: Deposit
Amount: \$331,202.00
Date: 12/28/12
EFT event key: V 030 003829301 0001
Reason:

Invoice / Adjustment details

Payment Key: 000 061733185
Address: 100 E CHURCH ST ADRIAN MI 492210000 USA
Mail Code: 28F

SAT
CR posted 12/28/12
done
12/28/12

101-990.00. 575 000

Seq # / Invoice No.	Date	Amount	Agency	Description
1/01		\$258,379.00	271 REVENUE SHARING (TREASURY) (517)373-2864 TREASREVENUESHARING@MICHIGAN.GOV	CONSTITUTIONAL SALES TAX Ref # 271 VZLRR354 001 2013

STATE REVENUE SHARING DISTRIBUTION OF CONSTITUTIONAL SALES TAX
CITY OF ADRIAN YOUR LOCAL UNIT CODE IS 46-2010

CONSTITUTIONAL:
POPULATION X DISTRIBUTION RATE = PMT AMT
21,029 X \$12.2868 = \$258,379

CREDIT YOUR ACCOUNT 101-000-574

FOR ADDITIONAL INFORMATION CALL 517/373-2697
For estimates and actual payments, visit our web site at:
<https://treas-secure.state.mi.us/apps/findrevshareinfo.asp>
This payment reflects sales tax receipts for the months of September and October 2012.

101-990.00. 575 001

2/16		\$72,823.00	271 REVENUE SHARING (TREASURY) (517)373-2864 TREASREVENUESHARING@MICHIGAN.GOV	ACCOUNTABILITY & TRANSPARENCY Ref # 271 VZLRR354 001 2013
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ECONOMIC VITALITY INCENTIVE PROGRAM - COMBINED EVIP DISTRIBUTION
CITY OF ADRIAN YOUR LOCAL UNIT CODE IS 46-2010

ACCOUNTABILITY AND TRANSPARENCY = \$72,823

CREDIT YOUR ACCOUNT 101-000-574

FOR ADDITIONAL INFORMATION CALL 517/373-2697

Subtotal: \$331,202.00

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CONSENT AGENDA

CR-1

CR13-001

January 7, 2013

RE: CITY COMMISSION – Change in Commission Meeting Date

RESOLUTION

WHEREAS, the Charter of the City of Adrian requires that regular meeting times be established by City Commission resolution; and

WHEREAS, the regular meeting scheduled for Monday January 21, 2013 occurs on a day City Hall observes Martin Luther King Day; and

NOW, THEREFORE, BE IT RESOLVED that said regular meeting will be held on Tuesday, January 22, 2013 at 7:00 p.m. in the City Chambers Building located at 159 E. Maumee St., Adrian, MI.

On motion by Commissioner _____, seconded by
Commissioner _____, this resolution was _____
by a _____ vote.



REGULAR AGENDA

0-1
December 27, 2012

MEMORANDUM

TO: Dane Nelson, City Administrator

FROM: Kristin Bauer, City Engineer

SUBJECT: Stormwater Ordinance & Credit Manual



In 1993 the City enacted a stormwater utility and user fee to offset the costs of the stormwater management program. This ordinance has experienced some minor revisions over the years. Late in 2011 the existing ordinance was reviewed and it was determined some changes were required to update this to current standards.

The revised ordinance is attached along with the credit manual as referenced in the revised ordinance. The most notable changes to this ordinance are as follows:

- The minimum monthly charge for any property in the City will be no less than the flat residential rate.
- Expanded and better defined a credit system allowing for a reduction in the stormwater fee based on the stormwater practices implemented and maintained on a particular parcel of property.
- The new ordinance requires discharge permits and a fee for any property utilizing the storm sewer system for non-stormwater discharges; i.e.: non-contact cooling water, etc.

We are requesting introduction of this ordinance and associated credit manual at the next commission meeting.

ORDINANCE 13-001

AN ORDINANCE TO AMEND THE CODE OF THE CITY OF ADRIAN, SECTION 74-161 THROUGH 74-172

Section 74-161 through 74-172, of the Adrian Code is hereby amended to read as follows:

Sec. 74-161 through 74-172. — Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Impervious area means land area covered by buildings, pavement or other material that prevents or retards stormwater from penetrating the soil.

Pervious area means all land area that is not impervious.

Residential property means the land area of the property within the city used for residential purposes, including single-family dwelling units, duplexes, condominiums and cooperatives, but excluding multifamily dwellings in excess of four units.

Stormwater means water generated by atmospheric precipitation that becomes surface water or groundwater runoff.

Stormwater system means public storm sewers, drains, ditches, retention ponds, dams, rivers, streams, river impoundments and flood-control facilities used for collecting and transporting stormwater.

(Code 1972, § 2.110)

Cross reference — Definitions generally, § 1-2.

Sec. 74-162. — Service charges.

All owners of real property within the city, including the city itself, but excluding the public right-of-way, shall be charged for the use of the stormwater system. The charges for residential property shall be determined on the basis of the flat rates contained in section 74-163, and the charges all other properties shall be based on the total area and intensity of development of each parcel according to the following classifications:

(1) *Undeveloped*. Real property which is undeveloped and unaltered by buildings, roads, impervious surfaces or other physical improvements which change the hydrology of the property from its natural state.

(2) *Light development*. Developed real property, which has impervious surfaces of less than 20

percent of the total square footage area of the property.

(3) *Moderate development.* Developed real property, which has impervious surfaces between 20—40 percent of the total square footage area of the property.

(4) *Heavy development.* Developed real property, which has impervious surfaces between 40—70 percent of the total square footage of the property.

(5) *Very heavy development.* Developed real property, which has impervious surfaces of more than 70 percent of the total square footage area of the property.

(Code 1972, § 2.111)

Sec. 74-163.— Residential flat rate charges.

The charges for each residential property shall be \$1.60 per month.

(Code 1972, § 2.112)

Sec. 74-164.— Charges based on total area and intensity of development.

(a) The charges for properties based on total area and intensity of development shall be

Category	Rate per Month per 1,000 square feet of Total Served Area
Undeveloped	\$ 0.08
Light	0.12
Moderate	0.16
Heavy	0.24
Very heavy	0.32

computed in the following manner:

(b) Notwithstanding the charges set forth in subsection (a) of this section, there shall be a minimum monthly charge of \$1.00 for all properties, regardless of total area or intensity of development.

(Code 1972, § 2.113)

Sec. 74-165. — On-site stormwater and surface water detention/retention systems.

(a) The rate of computation of stormwater and surface water sewerage charges applicable to premises that have an approved on-site stormwater and surface water detention/retention water system shall be such number of basic categories of development lower in rate as determined by the city engineer/director of public works after taking into account the effectiveness of the detention/retention system. In order to qualify as an approved stormwater and surface water detention/retention system, the owner thereof must previously have obtained the proper permits and constructed the system according to plans approved by the city engineer/director of public works. The owner shall be responsible for all costs of the proper operation and maintenance of such system. The city engineer/director of public works reserves the right to inspect all stormwater and surface water detention/retention systems approved, or sought to be approved, under this section to ascertain that the systems function properly. If any such system fails to detain or retain stormwater or surface water in a volume and for a period of time to the extent of a reduction in peak load in the stormwater system as measured or determined by the city engineer/director of public works by appropriate engineering standards, the city engineer/director of public works may increase the basic category of development to a category which reflects the effectiveness, if any, of such system, or the city engineer may revoke approval of the system, irrespective of prior approval by the city engineer/director of public works of either the system or plans for such system.

(b) Notwithstanding any rate reduction authorized, permitted or provided for in this section, no rate computation shall be reduced below the rate applicable to undeveloped land.

(Code 1972, § 2.114)

Sec. 74-166. — Rate adjustments; revision of property classifications and total served areas.

(a) Upon the recommendation of the city engineer/director of public works, the city administrator may from time to time revise the charges set forth in sections 74-163 and 74-164

(b) The city administration may revise the property classifications and/or total served area of and at any time, upon the recommendation of the city engineer/director of public works.

(Code 1972, § 2.115)

Sec. 74-167. — Adjustment of charges.

Any person who considers the charges applicable to his parcel to be inequitable, may apply to the city for adjustment of such charges, stating, in writing, the grounds of the complaint. The city engineer/director of public works shall cause appropriate investigation of such complaint and report his findings and recommendations to the city administrator for review. The city administrator shall consider the complaint, report and recommendations of the city

~~engineer/director of public works, and determine whether an adjustment of the charges for any such parcel is necessary to provide for the equitable application of the stormwater charge, and adjust such charge, if appropriate. Such appeals shall be made within 30 days from the day of the billing.~~

~~(Code 1972, § 2.116)~~

Sec. 74-168. – Billing.

~~The billing for stormwater service charges shall be issued concurrently with the city's annual property tax billing. The billing shall not bear an administrative fee, as the charge is not a tax; however, bills paid after the due date of August 31 shall be subject to a ten percent penalty of the amount due.~~

~~(Code 1972, § 2.117)~~

Sec. 74-169. – Collection of unpaid charges.

~~Unpaid stormwater service charges shall constitute a lien against the premises. Charges which have remained unpaid for a period of six months prior to May 31 of any year may, after notice to the owner, by resolution of the city commission, be certified to the city assessor, who shall place the charges on the next tax roll of the city. In the alternative, the city commission may direct the city attorney to file suit to collect unpaid charges.~~

~~(Code 1972, § 2.118)~~

Sec. 74-170. – Use of funds.

~~All funds collected for stormwater service shall be placed in a separate account and shall be used solely for the operation and maintenance of the stormwater system.~~

~~(Code 1972, § 2.119)~~

Sec. 74-171. – Use of system.

~~(a) The use of the stormwater system shall be for the purpose of the collection and transmission of stormwater only.~~

~~(b) No person shall place, or cause to be placed, any substance other than stormwater in the stormwater system.~~

~~(Code 1972, § 2.120)~~

Sec. 74-172. – Rules and regulations.

~~The city administrator is authorized to promulgate rules and regulations necessary to implement~~

~~the provisions of this article. Such rules and regulations shall take effect upon approval by the city commission.~~

Sec. 74-161. – Purpose

This article shall be known as the "Stormwater Utility Ordinance" of the City of Adrian. This article amends the City of Adrian's stormwater utility for the purpose of conducting the City's stormwater management program to protect public health, safety, and welfare; provides for the proportional allocation to property owners of the necessary costs of the stormwater utility; permits the establishment and collection of just and equitable rates and charges to fund the stormwater utility; provides for credits, adjustments, exemptions and appeals; establishes regulations for the use of the stormwater system, and prescribes the powers and duties of certain municipal agencies, departments and officials.

Sec. 74-162. – Findings

The Commission finds all of the following:

- 1) The constitution and laws of the State of Michigan authorize local units of government to provide stormwater management services and systems that will contribute to the protection and preservation of the public health, safety and welfare, and to the protection of the state's natural resources.
- 2) Property owners influence the quantity, character and quality of stormwater from their property in relation to the nature of the alterations made to property.
- 3) Stormwater contributes to the diminution of water quality, adversely impacting the public health, safety and welfare, and endangering natural resources.
- 4) Control of the quantity and quality of stormwater from developed and undeveloped property is essential to protect and improve the quality of surface waters and ground waters, thereby protecting natural resources and public health, safety and welfare.
- 5) The Federal Clean Water Act and rules and regulations promulgated there under place increased mandates on the City to develop, implement, conduct and make available to its citizens and property owners stormwater management services which address water quality, velocity, and volume impacts of stormwater.
- 6) Water quality is improved by stormwater management measures that control the quantity or quality, or both, of stormwater discharging directly or indirectly to receiving waters, that reduce the velocity of stormwater, or that divert stormwater from sanitary sewer systems.
- 7) The City, having a responsibility to protect the public health, safety, and welfare, has a major role in ensuring appropriate water quality related to stormwater flow.
- 8) Improper management of stormwater runoff causes erosion of lands, threatens businesses and residences and other facilities with water damage from flooding, adversely impacts public health, safety, and welfare, and creates environmental damage to rivers, streams and other bodies of water in Michigan, including the Great Lakes.
- 9) The public health, safety, and welfare are adversely affected by poor ambient water quality and flooding that results from inadequate management of both the quality and

- quantity of stormwater.
- 10) An adequate funding source is necessary to provide for stormwater management in the City.
 - 11) It is appropriate for the City to establish user fees to offset entirely or in part the cost of its stormwater management program.
 - 12) It is in the interest of protecting both the waters of the state from pollution and the public health, safety, and welfare for the City to fund stormwater management with a user fee that allocates the costs of these services to property owners within the City based upon the extent to which each parcel of real property contributes to the need for stormwater management.
 - 13) Impervious and pervious surfaces on a given property relate to the volume, rate and/or pollutant loading of stormwater runoff discharged from that property.
 - 14) The measurement of impervious and pervious surface that causes stormwater runoff provides an equitable and adequate basis for a system of user fees for funding stormwater management.

Sec. 74-163. – Definitions

For the purposes of this article, the following words and phrases shall have the meanings described in this section:

Administrator is the City Engineer or such other person as the City Administrator may designate.

Appeal is the process of filing a dispute with the user fee determination, adjustment or credit as recognized by the City.

Applicant is any person, or a duly designated representative applying for a stormwater user fee credit, stormwater discharge permit or stormwater connection.

City shall mean the City of Adrian, Michigan and its authorized agents.

Commission shall mean the City Commission of the City of Adrian, Michigan.

Credit shall mean a conditional reduction in the amount of a stormwater user fee charged to a property based on the provision and continuing presence of, use, operation, and maintenance of practices that the City of Adrian does not own, maintain or operate; or based on the continuing provision of activities that may reasonably reduce or mitigate the City's cost of providing for the City's stormwater management program.

Detention shall mean the prevention of, or to prevent, the discharge, directly or indirectly, of a given volume of stormwater runoff into the stormwater system by providing temporary on-site storage.

Discharge shall mean the flow of water from a project, site, aquifer, drainage basin, or other drainage facility.

Erosion shall mean the wearing or washing away of soil by the action of water.

Impervious area or surface means a surface area which is compacted or covered with material that is resistant to or impedes permeation by water, including but not limited to, most conventionally surfaced streets, roofs, sidewalks, patios, driveways, parking lots, and any other oiled, graveled, graded, or compacted surfaces.

Intensity of Development (ID) of a property shall be the impervious area of the property expressed as a percentage of the total area of the property. Each property, with the exception of residential properties charged a flat rate, will be placed within an ID classification based on the property's ID.

Intensity of Development Classification (ID Classification) shall mean the following classifications which shall be used in a formula to determine the stormwater user fee for the property, with the exception of residential properties charged a flat rate (consisting of detached single-family homes up to and including four units):

- 1) *Undeveloped.* Real property which is undeveloped and unaltered by buildings, roads, impervious surfaces or other physical improvements which change the hydrology of the property from its natural state.
- 2) *Light development.* Developed real property, which has impervious surfaces of less than 20 percent of the total square footage area of the property.
- 3) *Moderate development.* Developed real property, which has impervious surfaces of 20 to 40 percent of the total square footage area of the property.
- 4) *Heavy development.* Developed real property, which has impervious surfaces of 40 to 70 percent of the total square footage area of the property.
- 5) *Very heavy development.* Developed real property, which has impervious surfaces of more than 70 percent of the total square footage area of the property.

MDEQ shall mean the Michigan Department of Environmental Quality

NPDES means National Pollutant Discharge Elimination System, a program to issue permits for discharges to receiving waters, established under the Federal Clean Water Act, and administered by the MDEQ.

Operation and maintenance includes any component of a stormwater system expenditure for materials, labor, utilities and other items for the management and uninterrupted operation of the stormwater system in a manner for which the stormwater system was designed and constructed.

Owner shall mean any individual, firm, partnership, association, organization, joint venture, public or private corporation, public agency or other entity or combination of entities who alone, jointly, or severally with others hold(s) legal or equitable title to any real property. The term "owner" shall also include heirs, successors, and assigns.

Parcel shall mean a tract, or contiguous tracts, of land in the possession of, owned by, or recorded as property of the same claimant person.

Pervious area or surface is all land area that is not impervious.

Property means any land within the boundary of the City of Adrian, both publicly and privately owned, including public and private rights of way.

Retention shall mean the prevention of, or to prevent, the discharge, directly or indirectly, of any stormwater volume into the stormwater system.

Stormwater means stormwater runoff, snowmelt runoff, footing drain discharges, surface runoff and drainage.

Stormwater management means one or more of the following:

- a) The quantitative control achieved by the stormwater system of the increased volume and rate of surface runoff caused by alterations to the land.
- b) The qualitative control achieved by the stormwater system, pollution prevention activities, and ordinances to reduce, eliminate or treat pollutants that might otherwise be carried by stormwater.
- c) Public education, information, and outreach programs designed to educate and inform the public on the potential impacts of stormwater.

Stormwater management plan shall mean the written documents and plans that contain the following elements which shall be used to guide the stormwater management program:

- a) May, 1992 City of Adrian, Michigan Stormwater Utility Feasibility Study prepared by McNamee, Porter & Seeley, Inc. (now known as Tetra Tech).
- b) 2006 Westside Storm Sewer Capacity Study prepared by Tetra Tech
- c) Geographic limits of the City of Adrian, Michigan.
- d) Stormwater management services to be provided.
- e) The planning period covered by the stormwater management plan.
- f) River Raisin Watershed Management Plan
- g) Total Maximum Daily Loads promulgated by the federal or state government
- h) Rules of the Lenawee County Drain Commissioner
- i) Projected operation and maintenance and capital expenses for each year of the stormwater management plan planning period including steps taken to reduce expenses.
- j) Documentation of an analysis undertaken to evaluate the comparative cost-effectiveness of stormwater management alternatives.
- k) Projected residential properties.
- l) Projected non-residential properties, including total property area and ID classification.
- m) The method of calculating any stormwater user fees and stormwater system development charges, if used, proportionate to the necessary cost of providing the

necessary level of service of stormwater management services.

- n) The process and method by which the City of Adrian will determine which properties will be subject to any stormwater user fee for use of the stormwater system owned and operated by the City of Adrian.
- o) A description of the components of the stormwater system owned and operated by the City of Adrian.
- p) A description of how credits to reduce stormwater user fees will be applied and calculated.

Stormwater management program means one or more aspects of stormwater management undertaken for the purpose of complying with applicable federal, state and local law and regulation or the protection of the public health, safety, and welfare related to stormwater runoff.

Stormwater runoff shall mean flow on the surface of the ground, resulting from precipitation and snowmelt that does not infiltrate into the soil, including material dissolved or suspended in it.

Stormwater system means roads, streets, catch basins, curbs, gutters, ditches, storm sewers and appurtenant features, lakes, ponds, channels, swales, storm drains, canals, creeks, catch basins, streams, gulches, gullies, flumes, culverts, siphons, retention or detention basins, dams, floodwalls, levees, pumping stations, and other like facilities, and natural watercourses and features located within the geographic limits of the City which are designed or used for collecting, storing, treating or conveying stormwater or through which stormwater is collected, stored, treated or conveyed, or any other physical means by which stormwater management is achieved.

Stormwater user fee shall mean the fee charged to properties within the City of Adrian calculated proportionate to the necessary cost of providing stormwater system management services to the users of the City's stormwater system. These fees shall be billed to residential properties (consisting of detached single-family homes up to and including four units) on a flat rate basis and to all other properties based on the total area of the property and the property's intensity of development (ID) classification.

Structure shall mean anything constructed or installed with a fixed location on or in the ground.

Surface waters shall mean any receiving waters existing on the surface of the ground, including but not limited to; brooks, streams, rivers, wetlands, ponds, or lakes.

Undeveloped shall mean the condition of a property unaltered by construction or the addition of impervious surface.

User shall mean a firm, person or property that directly or indirectly contributes stormwater to the stormwater system.

Water quality shall mean those characteristics that relate to the physical, chemical, biological or

radiological integrity of water.

Water quantity shall mean those characteristics that relate to the rate and volume of the stormwater runoff to downstream areas.

Watershed shall mean an extent of land where stormwater runoff drains downhill into a body of water, such as a river, lake, reservoir, estuary, or wetland. The watershed includes both the streams and rivers that convey the water as well as the land surfaces from which water drains into those channels, and is separated from adjacent watersheds by a topographic divide.

Sec. 74-164 – Amendment to the Stormwater Utility

The City's stormwater utility is hereby amended by the Commission under the direction of the Administrator to fund the stormwater management program of the City. The stormwater management program shall include those activities necessary to protect public health, safety, and welfare from stormwater including but not limited to the following activities:

- 1) Planning, engineering, acquisition, construction, operation, maintenance, installation and debt service costs to acquire, construct, finance, operate and maintain a stormwater system.
- 2) Administering the stormwater management program.
- 3) Acquiring, constructing, improving, enlarging, repairing, enhancing, replacing, financing, operating and maintaining the stormwater system, together with such indirect and overhead costs which are fairly chargeable to such activities pursuant to accepted accounting principles and practices applicable to the City.
- 4) Updating a stormwater management plan.
- 5) Undertaking activities required in order to comply with federal and state law and regulations related to stormwater and permits issued there under.
- 6) Paying drain assessments which are the obligation of the City, as approved by the Administrator of the program
- 7) Providing public education, or information, or outreach related to the stormwater management program or required by federal or state regulations, or required by permits issued to the City by federal or state regulatory bodies.

Sec. 74-165. – Stormwater Management Plan

The Administrator may adopt, amend, or extend a stormwater management plan from time to time. Any such adoption, amendment, or extension shall be approved by resolution of the Commission.

Sec. 74-166. – Stormwater User Fee

- 1) Subject to the provisions of this article, all owners of property in the City shall be charged a stormwater user fee for their impact on the stormwater system. The stormwater user fee shall be proportionate to the necessary cost of the stormwater management services

provided to each property in the City, whether or not the property is served by a storm sewer bordering the property. The basis for stormwater user fees shall be computed by the Administrator using either a residential property flat rate applicable to detached single-family homes (up to and including four units) or the ID classification and total area applicable to properties that are not billed a flat rate.

- 2) The principal stormwater generating characteristic of each property is its representative impervious and pervious area, which shall be used as the basis for the stormwater user fee. The stormwater user fee shall be used to fund those elements of the stormwater management program whose cost is directly related to the amount of stormwater managed as well as the expenses related to billing, collection, customer service, and public involvement and public education activities.
- 3) The representative impervious and pervious areas of a property shall be the measured impervious and pervious areas of the property except for detached single-family homes (up to and including four units) which shall be billed a flat rate. Each property that is not subject to a flat rate shall be billed based on the rate for the ID Classification of the property times the total square footage of the property.
- 4) The Administrator may periodically change the ID Classification and/or total square footage of a property based upon information available to the City and/or provided by a property owner.

Stormwater user fees shall be determined and modified, from time to time, so that the total revenues generated by such user fees shall be sufficient to meet the cost of the City's stormwater management program. Stormwater user fees shall be in addition to any special assessment, single lot assessment or public improvement charge that might be or become due for capital improvements to the stormwater system. 5. No fee, before credits, shall be less than the flat rate for residential properties.

Sec. 74-167. - Other Charges

Charges for other services provided by the City shall be on a time and materials basis, including direct and indirect costs, as established by the Administrator. The Administrator may also set charges for the fair share recovery of the cost, including direct and indirect costs, from users for the implementation and operation of any of the following:

- a) Monitoring, inspection and surveillance procedures
- b) Reviewing accidental discharge procedures and construction
- c) Stormwater discharge permit applications
- d) Annual charges for multi-year permits
- e) Other charges as the Administrator may deem necessary to carry out the requirements of this article

Sec. 74-168. - Credits

- 1) The purpose of this section is to provide for each owner's voluntary control over contributions of storm flows to the stormwater system and the related stormwater user fees and to advance protection of the public health, safety, and welfare.

- 2) The City shall offer credits that will enable any owner, through voluntary action, to reduce the stormwater user fees calculated for that owner's property and will provide a meaningful reduction in the cost of service to the stormwater system, or that shall be reasonably related to a benefit to the stormwater system:
 - a) Credits will only be applied if certain requirements are met, including, but not limited to: completion of on-going maintenance, guaranteed right-of-entry for inspections, and submittal of certification reports.
 - b) Credits will be defined as percent (%) reductions applied to the stormwater user fee calculation.
 - c) Credits are additive for each credit category. The maximum credit shall not exceed 100 % of the stormwater user fee calculation.
 - d) As long as the stormwater facilities or management practices are functioning as approved, the credit will be applied to the stormwater user fee. If the approved practice is not functioning as approved or is terminated, the credit will be cancelled and the stormwater user fee will return to the baseline calculation. Once the credit has been cancelled, an owner may not reapply for a credit for a period of 12 months and only then if the deficiency has been corrected, as determined by City inspection.
 - e) Credits will be applied to the next complete billing cycle after the application has been approved.

- 3) The Administrator shall define a method for applying and granting credits, as well as criteria for determining the credits an owner may receive. The Administrator may establish credits for one or more of the following owner actions:
 - a) Residential Property: Flat Rate 50 %
 - b) Stormwater Quantity: 37.5 to 75%
 - c) Education: 25 %
 - d) Direct Discharge: 75 % (Maximum)
 - e) Lands Dedicated for Public Use: 100% (Maximum)

- 4) The Administrator shall create a stormwater user fee credit manual to define criteria for determining additional credits that lands dedicated for public use may receive. Such credits are appropriate because most of the City's drainage system lies within public rights of way, sharing that property with public roads and other public and private utility systems. Public roads and other surfaces within these rights of way discharge stormwater to the stormwater system and are subject to stormwater user fees like every other property within the City. Lands dedicated for public use are eligible for credits if they provide one or more of the following services to the stormwater utility:
 - a) Use of the roadway for conveyance and storage of stormwater during major storm events that exceed the capacity of the underground storm drainage system.
 - b) Use of right-of-way for retrofit of stormwater quality control system required under NPDES permits issued to the City.

- c) Access to the stormwater system for operation and maintenance activities, often restricting traffic on the roadway.
- d) Reduced pavement life when stormwater system repairs require open cut excavation of the roadway.
- e) Education provided by storm inlet labeling, stream crossing signage, and other educational signs placed within the right-of-way.

Sec. 74-169. - Exemptions

No public or private property located within the City limits shall be exempt from stormwater user fees.

Sec. 74-170. - Billing

The City shall bill owners for stormwater service yearly concurrent with the City's annual property tax billing.

Sec. 74-171. - Stormwater Enterprise Fund

- 1) All revenues raised from stormwater user fees shall be placed in a stormwater enterprise fund together with such other revenues from any source or combinations of sources of revenues otherwise legally available which have been designated to be used for the stormwater management program.
- 2) No part of the funds held in the stormwater enterprise fund may be transferred to the general operating fund or used for any purpose other than undertaking the stormwater management program, and operating and maintaining a stormwater system.

Sec. 74-172. - Discharge Permits

- 1) A permit is required from the Administrator to discharge treated non-storm water otherwise subject to a discharge prohibition under this article into the stormwater system. The Administrator may require each person or firm that applies for use or uses of the stormwater system for non-storm water purposes to obtain a discharge permit on the form prescribed by the administrator, to be subject to all provisions of this article. A permit may be issued for a period not to exceed five years. The permit shall be subject to modification or revocation for failure to comply or provide safe access or provide accurate reports of the discharge constituents and characteristics. Permits are issued to specific persons or firms for specific operations and are not assignable to another person or firm without the prior written approval of the Administrator. Permits are not transferable to another location. Anyone seeking a permit to discharge treated non-stormwater otherwise subject to a discharge prohibition into the stormwater system must do the following:
 - a) File a written statement with the Administrator setting forth the nature of the enterprise, the amount of water to be discharged with its present or expected

- bacterial, physical, chemical, radioactive or other pertinent characteristics.
- b) Provide a plan map of the building, works or complex with each outfall to the surface waters, sanitary system, storm sewer, natural watercourse or ground waters noted, described and the discharge stream identified.
 - c) Sample, test and file reports with the Administrator and the appropriate federal, state, and county agencies on appropriate characteristics of discharges on a schedule, at locations, and according to methods approved by the Administrator.
- 2) Every permit to discharge into the stormwater system shall be conditioned upon the permittee providing insurance, security and/or indemnification satisfactory to the Administrator protecting the City, City property and persons in the City from loss or damages associated with the permit or permit activities.
 - 3) The Administrator or other authorized employees are authorized to obtain information concerning industrial processes which have a direct bearing on the kind and source of the discharge to the stormwater system. An industrial user may withhold or restrict information if it can establish to the satisfaction of the administrator that release of the information would reveal trade secrets or would otherwise provide an advantage to competitors, except discharge constituents will not be recognized as confidential information.
 - 4) At the permittee's expense, the Administrator shall carry out independent surveillance and field monitoring, in addition to the self-monitoring required of certain users to ascertain whether the purpose of this article is being met and all requirements are being satisfied.
 - 5) The method of determining flow of discharge to the stormwater system shall be approved by the Administrator.
 - 6) The permit applicant shall acquire and be in full compliance with applicable federal, state and county permits for discharge prior to being granted a permit from the Administrator.
 - 7) The Administrator may impose fees for the use of the stormwater system for nonstormwater discharges permitted by the City under section 74-172.1 of this Article. Charges shall be proportionate to the capacity of the stormwater system that is used by the non-stormwater flow that would otherwise be available for stormwater, and any additional charges related to preparing, monitoring, and enforcing any permits related to non-stormwater discharges.

Sec. 74-173. – Regulations

The City Administrator is authorized to promulgate rules and regulations necessary to implement the provisions of this article. Such rules and regulations shall take effect upon approval by the City Commission.

Sec. 74-174. – Stormwater Taps

- 1) Only City employees or licensed contractors, after first obtaining all necessary permits including but not limited to a plumbing permit, street cut permit and sewer tap permit, are authorized to uncover the stormwater system.

- 2) All costs and expenses incidental to the installation, connection, and maintenance of the stormwater tap and lead shall be borne by the property owner.
- 3) No storm sewer tap shall be greater than 4-inches. Anyone desiring a tap greater than 4-inches may submit, to the Engineering Department, the engineering design, calculations and rationale for a larger tap size for consideration by the Administrator.

Sec. 74-175. - Right of Appeal

The Administrator shall establish a procedure for the submission of appeals to an owner's stormwater user fees. This procedure shall provide the following:

- 1) An owner liable for a stormwater user fee shall be provided the right to appeal the stormwater user fee to the Administrator or his/her designee. Appeals shall be considered on the grounds that the ID Classification and/or total square footage of the property is less than estimated by the Administrator or that the credit allowable to the property is greater than that estimated by the Administrator. No appeal may be brought with respect to a stormwater user fee after April of the year following the issuance of the bill for which an appeal is sought.
- 2) For an appeal to be successful, the owner shall demonstrate that the ID Classification and/or total square footage of the property is less than the value used by the Administrator in the calculation of that property's stormwater user fee. Factors that will be considered by the Administrator in addition to the ID Classification and/or total square footage of the property will be the activities of the owner or features of the property that are available for credits, or other factors defined by the Administrator.
- 3) An owner must comply with all rules and procedures adopted by the Administrator, including the payment of any applicable fees, when submitting a request for appeal or adjustment of the stormwater user fee and must provide all information necessary to make a determination.
- 4) Upon a finding that the ID Classification and/or the total square footage of a property is less than the value used by the Administrator in the calculation of that property's stormwater user fee, the sole remedy to the owner shall be re-calculation of the stormwater user fee based on the corrected area data.
- 5) A finding that the ID classification and/or total square footage of a property is not less than the value used by the Administrator in the calculation of that property's stormwater user fee shall be conclusive with respect to that property and shall remain effective for seven years, unless the owner changes the ID Classification and/or total square footage or the stormwater management practices of the property. The owner shall remain eligible for credits.

Sec. 74-176. - Enforcement

- 1) No person shall construct or maintain any property, residence or business not in compliance with the standards of this article.
- 2) The Administrator and other authorized employees of the City bearing proper credentials and identification shall be permitted to enter upon all properties for the purposes of

- inspection, observation, measurement, sampling and testing in accordance with the provisions of this article.
- 3) No person shall fail to provide any report or other information or perform any duty required by this article.
 - 4) If, after reasonable notice, a person fails to comply with this article, the City may cause the work to be done to obtain compliance and shall charge the cost of that work to the person responsible. If the person responsible fails to pay an invoice for fees directed to him or her under this subsection, within thirty (30) days of mailing of said invoice, the City may cause the cost reflected in said invoice to be assessed against the property as a special assessment pursuant to Sec 70-12 and the City may institute an action against the responsible person for the collection of said costs in any court of competent jurisdiction. However, the City's attempt to collect such costs by any process shall not invalidate any lien filed against the property.
 - 5) The Administrator is authorized by the Commission to enforce the payment of stormwater user fees. A civil action may be instituted by the City against the owner of those properties for recovery of such amounts. The stormwater user fees which, under the provisions of Act No. 94 of the Public Acts of Michigan of 1933, as amended, are made a lien on the property, are hereby recognized to constitute such lien; and the Administrator shall, on May 31 of each year, after notice to the owner, certify all unpaid stormwater user fees for such services furnished to any property which as of these dates have remained unpaid, to the City Assessor, who shall enter the lien on the next City tax roll against the property to which the services shall have been rendered, and the stormwater user fees shall be collected and the lien shall be enforced in the same manner as provided for the collection of taxes assessed upon such roll and the enforcement of the lien for the taxes.
 - 6) The Administrator is authorized to take all steps necessary to immediately halt any discharge of pollutants which reasonably appears to present an imminent danger to the health or welfare of persons or to the environment.
 - 7) In case of an emergency involving private stormwater facilities, the Administrator may direct that immediate action be taken to correct or abate the condition causing the emergency. City personnel may perform the required work and charge the owner all such related and provable costs. Such costs (if remaining unpaid for 30 days following a bill being sent for their reimbursement) shall constitute a lien on the real property.
 - 8) Persons aggrieved by any determination of the Administrator in enforcing this article may appeal that determination. Prosecution shall be stayed pending such an appeal.
 - 9) In their interpretation and application, the provisions of this article shall be held to be minimum requirements and shall be liberally construed in favor of achieving the purposes of this article, and shall not be deemed a limitation or repeal of any other powers granted by state or federal statutes and regulations.

Sec. 74-177. – Violations and Penalties

- 1) Violation; Municipal Civil Infraction. A person who violates any provision of this article shall be responsible for a municipal civil infraction for which the court may impose a fine of not more than \$500.00. Each day a violation occurs is a separate violation.

- 2) Authorized Local Official. Notwithstanding any other provision of the City's laws, ordinances and regulations to the contrary, the following persons are designated as the authorized local officials to issue municipal civil infraction citations directing alleged violators to appear in district court for violations of this article (or, if applicable, to issue municipal civil infraction notices directing alleged violators to appear at a municipal ordinance violations bureau): the City Administrator and the City Administrator's designees, any sworn law enforcement officer, and any other persons so designated by the City.

Sec. 74-178. – Judicial Relief

The City Attorney may institute legal proceedings at the direction of the City Administrator in a court of competent jurisdiction to seek all appropriate relief for violations of this article. The action may seek temporary or permanent injunctive relief, damages, penalties, costs and any other relief, at law or equity that a court may order.

Sec. 74-179. – Cumulative Remedies

The imposition of a single penalty, fine, or other sanction or remedy upon any person for a violation of this article shall not preclude (or be a prerequisite for) the imposition by the City or a court of competent jurisdiction of a combination of any or all of those sanctions and remedies or additional sanctions and remedies with respect to the same violation, consistent with applicable limitations on penalty amounts under state or federal laws or regulations.

INTRODUCTION.....
 SUMMARY PUBLISHED.....
 ADOPTION.....
 COMPLETE PUBLICATION.....
 EFFECTIVE DATE.....

On motion by Commissioner _____, seconded by
 Commissioner _____, this Ordinance was _____ by a
 _____ vote.

R-1

December 26, 2012



MEMORANDUM

TO: Dane Nelson, City Administrator

FROM: Kristin Bauer, City Engineer

SUBJECT: Trash Contract Revisions

In 2010 a new trash contract was confirmed by the Adrian City Commission. A portion of this contract provided for a recycling drop-off site on Saturday mornings available to City residents at the Compost site, in addition to the curbside recycling program.

We have tracked the usage of this service and found that typically only 30-40 residents drop off materials to the trucks on Saturdays. This service costs the City \$38,400 annually. The new County recycling center is open daily and provides a similar service within the City.

We contacted Stevens Disposal to discuss dropping this service from our contract. Attached is a copy of their reply dated 12/19/12. In short Stevens is requesting a 2% increase to their contract price each year through the remainder of the contract. The original contract executed with Stevens Disposal neglected to include an inflationary rate to their contract prices and currently the City pays a fixed rate of \$5.50/mo./unit. In November 2010 Stevens requested an adjustment to their contract allowing an annual 2% inflation rate, letter dated 11/01/10 attached, which was denied by the City Commission at the 11/15/10 commission meeting.

It is my recommendation to drop the Saturday recycling and allow the 2% increase to Stevens unit prices on Jan. 2013, July 2013, and July 2014. The City will receive a savings of approximately \$56,648.40 through June 2015, see the chart below:

Dates	Trash Cost Increase (5820 Units)	Recycling Decrease	Net Savings
1/13 to 6/13	\$3,841.20	(\$19,200.00)	(\$15,358.80)
7/13 to 6/14	\$15,364.80	(\$39,600.00)	(\$24,235.20)
7/14 to 6/15	\$23,745.60	(\$40,800.00)	(\$17,054.40)
TOTAL SAVINGS:			(\$56,648.40)

RE: CITY ENGINEER – Revision to Stevens Disposal and Recycling Contract

RESOLUTION

WHEREAS the Adrian City Commission, by resolution #R10-107 dated September 7, 2010, accepted a multi-year contract with Stevens Disposal and Recycling Service, Inc. through June 30, 2015 for weekly curbside trash pick-up (6 bag limit), subscription curbside recycling service, and a manned recycling center for Saturday drop-offs; and

WHEREAS the City Engineer has determined that the usage at the Saturday drop-off site has been typically low and with the introduction of a new County recycling center located within the City, providing daily hours, other options now exist for convenient recycling drop-offs; and

WHEREAS Stevens Disposal was contacted to modify their current contract and in exchange for eliminating the manned Saturday recycling drop-off Stevens requested a 2% rate increase for curbside trash pick-ups in January 2013, July 2013 and July 2014. The City Engineer has determined that the following cost savings would result from this proposal over the remaining life of the contract:

Dates	Trash Cost Increase (5820 Units)	Recycling Decrease	Net Savings
1/13 to 6/13	\$3,841.20	(\$19,200.00)	(\$15,358.80)
7/13 to 6/14	\$15,364.80	(\$39,600.00)	(\$24,235.20)
7/14 to 6/15	\$23,745.60	(\$40,800.00)	(\$17,054.40)
TOTAL ESTIMATED SAVINGS:			(\$56,648.40)

; and

WHEREAS the City Engineer and City Administrator recommend acceptance of the proposal from Stevens Disposal and Recycling Service, Inc. for an increase of 2% on the curbside trash pick-up price of \$5.50/Mo./Unit on January 2013 (\$5.61/Mo./Unit), July 2013 (\$5.72/Mo./Unit) and July 2014 (\$5.84/Mo./Unit) in exchange for eliminating the manned Saturday recycling drop-off with the estimated net savings shown above.

NOW THEREFORE BE IT RESOLVED that the Adrian City Commission, by this resolution, hereby authorizes the modification of the current contract with Stevens Disposal and Recycling Service, Inc. of Temperance, MI to eliminate monthly costs for the manned Saturday recycling drop-off in exchange for a 2% rate increase on January 2013, July 2013 and July 2014 to the fixed curbside trash pick-up rate of \$5.50/Mo./Unit.

On motion by Commissioner _____, seconded by
Commissioner _____, this resolution was adopted by a
_____ vote.

A.2
January 4, 2013

MEMORANDUM

TO: Adrian City Commission

FROM: Dane Nelson, City Administrator

SUBJECT: Transportation Service Contract



As you are aware, this matter required a rebid, due to some issues with the state regarding the RFP that had been prepared. Since that time, we thoroughly reviewed the RFP and made several revisions. The state was provided with a draft of the new RFP, which resulted in a few more changes as requested by the state. The revised RFP was then sent out, with there again being three responders. The transportation director and Assistant Finance director have evaluated the responses and have recommended acceptance of the proposal from Nola's Transportation. Rather than get ahead of the process, I think it is best to obtain the approval of the state before we approve an agreement with the provider. As such, I have prepared a resolution to request approval from the state to enter into an agreement with the recommended provider. If the state proceeds to approve such an agreement, we will then present a resolution to approve the actual agreement with the new service provider.

Respectfully submitted,

Dane C. Nelson
City Administrator

January 2, 2013

MEMORANDUM

TO: Dane Nelson, City Administrator
Greg DuMars, Mayor
City Commissioners

FROM: Marcia Bohannon, Transportation Coordinator

RE: Transportation Service Provider for Dial-A-Ride



The second "Request for Proposal" (RFP) for a transportation service provider for the City of Adrian Dial-A-Ride was issued on December 4th, 2012. The bids were returned on December 20, 2012. Advertisements for this RFP were issued in the legal notice section in our Daily Telegram, posted on the Disadvantaged Business Enterprise (DBE) website at the Michigan Department of Transportation and the website of the Community Transportation Association of America (CTAA). Copies of the RFP were also mailed directly to four private transportation providers located in Michigan. Three proposals were returned, which is a minimum requirement of the Federal Transit Administration (FTA). The proposals have been reviewed and the evaluation scores have been tallied. Based on the results, Nola's Transportation received the highest score with the lowest bid. Transportation Management, Inc. (TMI) received the second highest score with the second lowest bid. HOPE Network received the third highest score with the third lowest bid.

Based on our review and the evaluation scores, I recommend contracting with Nola's Transportation for the delivery of our transportation services offered to the residents of the City of Adrian.

Nola's Transportation has the experience to operate this transit industry as well as the capability of hiring and training staff to provide the service.

One of the owners of Nola's Transportation has been serving in an administrative capacity for more than two years and has performed accurate and necessary operating reports, as well as scheduling of existing staff and ensuring the success of other programs as required by the State and Federal governments.

The other owner of Nola's Transportation has owned, operated and maintained his own fleet of trucks complying with all State regulations. He has full understanding of the importance of proper maintenance of vehicles. Working as a driver, he has firsthand knowledge of the operation of our vehicles as well as the routes and an understanding of our passengers.

The proposal covers a time period to begin February 1, 2012 through September 30, 2015. There is an option to extend the agreement for two one-year periods. The operating agreement between the City of Adrian and our service provider allows for the cancellation of this agreement with a thirty day notice in writing. At this time, funds are sufficient to contract with Nola's Transportation.

Pending our State's approval, I offer this recommendation.

R13-002

January 7, 2013

RE: LENAWEЕ TRANSPORTATION – Agreement with Nola Transportation, Inc for Operation of the City’s Dial-A-Ride system.

RESOLUTION

WHEREAS, the City of Adrian has prepared and distributed a Request for Proposals (RFP) for the operation of the city Dial-a-Ride system; and

WHEREAS, three proposals have been received and evaluated by the Director of Transportation and the Assistant Finance Director resulting in their recommendation to accept the proposal of Nola Transportation, Inc.;

Now, therefore, be it

RESOLVED, that the Adrian City Commission does hereby concur with and accept the recommendation to accept the proposal of Nola Transportation, Inc. and directs the Director of Transportation to submit a request to the Michigan Department of Transportation to obtain its approval to proceed to enter into an agreement with Nola Transportation, Inc. for the operation of the city Dial-a-Ride system in the City of Adrian.

On motion by Commissioner _____, seconded by
Commissioner _____, this resolution was adopted by a
_____ vote.

R-3

AGREEMENT BETWEEN THE
LENAWEE TRANSPORTATION CORPORATION
AND
THE CITY OF ADRIAN

THIS AGREEMENT, effective October 1, 2012 by and between the Lenawee Transportation Corporation, herein after referred to as the "LTC", and the City of Adrian, herein after referred to as the "CITY".

The parties hereby agree as follows:

1. **GENERAL PURPOSES.** The LTC and the CITY both have an interest in the continuous maintaining of public transportation which benefits the general public. The LTC and the CITY agree to share jointly in a Transportation Coordinator who will function in an administrative capacity for both the LTC system and the CITY's Dial-A-Ride system. Said Transportation Coordinator will be employed full time on a shared basis between the LTC and the CITY to administer both LTC's and the CITY's transportation operations, and will function as liaison between the LTC system, the CITY system, and the Michigan Department of Transportation.
2. **TERM OF AGREEMENT.** The term of this agreement shall be for a period of two (2) years ending September 30, 2014.
3. **RESPONSIBILITIES OF LTC.** The LTC agrees to the following provisions for the shared Transportation Coordinator:
 - a. **Salary.** The LTC will be responsible for paying the salary of said individual for a period of two (2) years or until the terms of this agreement are no longer in force.
 - b. **Fringe Benefits.** The LTC will pay for the fringe benefits for said individual with the level of fringe benefits provided to be at the same level of any other full-time non-union County of Lenawee employee:
 1. **Health Insurance:** Family Health insurance coverage, with BC/BS.
 2. **Dental Insurance:** Dental coverage, 50% Class I and II benefits to a maximum of \$600 per year, full family coverage.
 3. **Life, AD&D, S&A:** One(1) times annual salary, rounded up to the next One Thousand (\$1,000.00) - not to exceed \$50,000.00 for Term Life Insurance coverage and Accidental Death and Dismemberment, and Sickness and Accidental Insurance covering 26 weeks disability at 65% weekly wage not to exceed \$500 per week beginning first day of accident or hospitalization and fifteenth day of sickness for employee only.

- c. Workers Compensation. The LTC will pay the premiums and be responsible for Workers Compensation under the Lenawee County Workers Compensation plan with the Michigan Municipal League.
 - d. Leave-Time Accumulation. Lenawee County's Leave Time Policy will be followed for accumulation and use of days for vacation, personal time and sick days.
 - e. FICA. The employer's share of Social Security will be the responsibility of LTC.
 - f. Retirement. Said employee will be covered under Lenawee County.
4. **RESPONSIBILITY OF THE CITY**. The City agrees to the following provisions for the shared Transportation Coordinator:
- a. Space and Equipment. The CITY will provide reasonable space and necessary equipment for the Transportation Coordinator.
 - 1. Desk and Desk Chair
 - 2. One (1) additional office chair
 - 3. One (1) calculator
 - 4. One (1) telephone
 - 5. One (1) file cabinet
 - b. Clerical Support. The CITY shall provide reasonable and necessary clerical support for the proper carry-out of communications, reports, records including preparation, typing, duplicating, and filing.
5. **WORK SCHEDULE**. The shared Transportation Coordinator will work forty (40) hours per week as per the hours of the City of Adrian Offices, from 8:00am to 4:30pm each day with one-half (½) hour for lunch per day. Any applicable break-time for City Employees would be applicable to the Transportation Coordinator.
6. **HOLIDAY OBSERVATION**. The shared Transportation Coordinator will observe all holidays as observed by the City of Adrian. Any additional holidays observed by the County but not by the CITY will be granted as "float-days" and will be added to the Transportation Coordinator's accumulated leave days under the County's Leave Time Policy providing said "float-days" do not cause the accumulated leave time to exceed the policy limit.

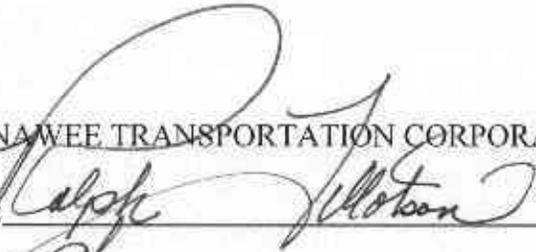
7. **RECORD KEEPING AND REPORTING.** The record-keeping and reporting for the two systems will be kept separate and apart including all reports to the State Department of Transportation, all reports pertinent to the CITY'S Dial-A-Ride system and all reports pertinent to the LTC system. They shall be kept separate for each system farebox revenue accounting, ridership reports, and maintenance cost in keeping with the audit requirements for each entity.
8. **APPOINTMENT PROVISION.** Candidates for this position will be screened by the LTC Board. Appointment of the candidate to Transportation Coordinator will be made by the CITY for the Dial-A-Ride system and by County Board of Commissioners for the LTC system.
9. **SUPERVISION.** The Lenawee Transportation Corporation Board will provide direct supervision of the activities and functions of the shared Transportation Coordinator through the duration of this agreement. The Coordinator will report on a timely method as determined by the LTC Board and will be evaluated by said Board as necessary. This supervision does not subrogate the Transportation Coordinator's responsibility to both the City of Adrian and Lenawee County regarding grants, budgeting, and systems' operations when necessary.
10. **RIGHTS TO PUBLIC FUNDS.** Each party to this Agreement recognizes that all grants, appropriations or allocations of funds by Federal, State or Local agencies for the benefit of one party are under exclusive control of that party, and that this Agreement does not convey to either party any right to share in the proceeds of any grant, appropriation or allocation of public funds to the other except as the CITY and LTC might separately agree and contract to share.
11. **NON-DISCRIMINATION.** In connection with the performance of work under this agreement, the LTC and the CITY agrees to comply with the State of Michigan provisions for "Prohibition of Discrimination in State Contracts", attached hereto and made a part thereof (Attachment B). The LTC and the CITY further covenant to comply with the Civil Rights Act of 1964, (being P.L. 88-352, 78 Stat. 241 as amended, being Title 42 U.S.C. Sections 1971, 1975a: 1975d and 2000-200h-60) and will require a similar covenant to the part of any contractor or subcontractor employed in the performance of this Agreement.
12. **OPERATIONS SUBCONTRACT.** The LTC and the CITY will each maintain their separate contract with Quick Service Transportation or its successor, a private entity and assign its responsibilities including, but not limited to, the employment, supervision, and training of sufficient drivers and dispatchers including sufficient insurance coverage for Workers Compensation and general liability, cleaning and maintaining of vehicles and provisions of necessary administrative and clerical work for the duration of the Agreement except as provided for dissolution of the Agreement between Quick Service Transportation or its successor and the City and the LTC.

- 13. INSURANCE. Each party of this Agreement will maintain full responsibility for any and all insurance on the vehicles and equipment in each system including but not limited to personal and property damage, comprehensive, and liability at no less level required by the State Department of Transportation.
- 14. EXECUTION. Each party, upon execution of the Agreement shall provide the other party with a copy of the resolution authorizing its execution.
- 15. TERMINATION OF AGREEMENT. Either party of this Agreement may terminate this Agreement upon thirty (30) days written notice to the other party.

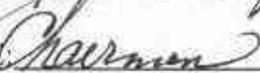
IN WITNESS THEREOF, the parties hereto have caused this AGREEMENT to be executed the day and year first above written.

LENAWEE TRANSPORTATION CORPORATION

CITY OF ADRIAN

BY: 

BY: _____

TITLE: 

TITLE: _____

R13-003

January 7, 2013

RE: LENAWEЕ TRANSPORTATION – Agreement for joint employment of a Transportation Coordinator for a Two (2) year period.

RESOLUTION

WHEREAS, the City of Adrian and the Lenawee Transportation Corporation have an interest in maintaining public transportation which benefits the general public and, in particular, senior citizens and persons with disabilities; and

WHEREAS, the employment of a full-time Transportation Coordinator is desired to junction in an administrative capacity for the City's Dial-A-Ride and the LTC's systems; and

WHEREAS, a two (2) year agreement between the Lenawee Transportation Corporation and the City of Adrian has been prepared to accomplish the purpose; and

WHEREAS, an engagement in said agreement has been considered by the Adrian City Commission, now, therefore, be it

RESOLVED, that the City of Adrian hereby enters into a two (2) year agreement with the Lenawee Transportation Corporation for a term beginning on October 1, 2012, and ending September 30, 2014, for the joint employment of a Transportation Coordinator; and

HEREBY, authorizes the Mayor, Greg DuMars, to sign the aforementioned contract.

On motion by Commissioner _____, seconded by
Commissioner _____, this resolution was adopted by a
_____ vote.

A-4

Memo

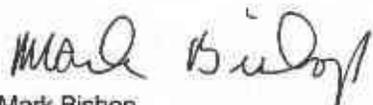
To: Kristin Bauer
From: Mark Bishop
Date: 1/2/2013
Re: Bid recommendation – One (1) Ton Truck with a snow plow

Kristin,

I recommend that we wave the regular bid process and purchase through Mi-Deal a 2013 1 ton 4 wheel drive Ford from Signature Ford Lincoln Owosso, MI with a price of \$23,115.00, With the body and plow from Truck and Trailer Dutton Mi. with the price for the body and plow \$16,313.00

Funds for this vehicle are in the Motor Vehicle Pool Fund, Capital Equipment Account

662-441-62-977-000.


Mark Bishop
Public Works Superintendent/Fleet Manager

January 2, 2013

MEMORANDUM

TO: Dane Nelson, City Administrator

FROM: Kristin Bauer, City Engineer

CC: Mark Bishop, Superintendent DPW

SUBJECT: 1-Ton Dump Truck with Plow



We secured prices for the purchase of a One Ton Dump Truck with a plow through to MI-Deal system with the State of Michigan. Generally this pricing is better than that which can be secured through bidding to the number of vehicles purchased through this system statewide as all pricing is negotiated by the State.

We are requesting the purchase of the Ford F350 from Signature Ford of Owosso, MI for the cost of \$23,115.00 with the truck and plow accessories purchased from Truck & Trailer Specialties of Dutton, MI for the cost of \$16,313.00. The pricing for this truck is less than a similar truck purchased by the City in 2012.

We respectfully request the City's bid process be waived and utilize the MI-Deal bids for purchase of this vehicle. The complete 4 wheel drive truck and plow will cost \$39,428.00 and was a planned purchase during the FY 2012-13 capital budget process.

Funds for this purchase are available in the 2012-13 Fiscal Year budget: 662-000.00-001.000 Department of Public Works Motor Vehicle Fund.



December 27, 2012

City of Adrian
Attn: Mark Bishop
135 E. Maumee St.
Adrian, MI 49221

Dear Mark Bishop:

2013 Model Year Vehicle Bid Price on Macomb County Contract:

2013 Ford F350 Reg. Cab 4x4 Chassis 141" WB 60" CA in Red	\$23,115.00 ea
<u>9' Crysteel Dump Body (Truck and Trailer Specialties)</u>	<u>\$16,313.00 ea</u>
Total Delivered Price	\$39,428.00 ea

Standard Service Contract: 36,000 miles or 36 months factory Bumper to Bumper Warranty and 60,000miles 60 months Powertrain Warranty . Service to be handled by your local Ford Dealer.

Order Cutoff Date: TBD.

Ford Motor Company does not guarantee delivery—Ford Motor Company will make reasonable efforts to schedule orders received prior to fleet order cut-off date.

Payment requirements: All departments to pay on delivery of vehicle. 10-day grace period will be given if previous arrangements have been made. A \$9.50 per day floor plan will be charged if payment is not at the dealership within 10 days of delivery of the vehicle (s).

If you have any questions please call me, 888-92-FLEET (923-5338)

Respectfully Submitted,

Bill Campbell

Bill Campbell
Government & Fleet Sales

RE: **DEPARTMENT OF PUBLIC WORKS – Authorization to Purchase One (1) 4X4 One-Ton Dump Truck w/Snow Plow Package**

RESOLUTION

WHEREAS the Adrian City Commission, by Resolution #12-045 dated May 7, 2012, adopted the FY2012-13 Budget and General Appropriations Act, which included \$45,000.00 to purchase a 4X4 one-ton dump truck w/snow plow package to replace an existing vehicle of similar size and use; and

WHEREAS the Purchasing Office, in collaboration with the City Engineer, secured competitive pricing through the Michigan State Cooperative Purchasing Program (MI-Deal) for acquisition of the aforementioned vehicle from Signature Ford, Owosso, MI for the cost of \$23,115.00.00, with plow accessories purchased from Truck & Trailer Specialties of Dutton, MI at a cost of \$16,313.00 for a total amount of \$39,428.00; and

WHEREAS the Finance Director indicates that sufficient funds are available in the FY2012-13 Motor Pool Fund for this purpose (account #662-441.062-977.000); and.

WHEREAS the City Engineer and City Administrator recommend waiver of the bid process, in the best interests of the City, and acquisition of one (1)4X4 2012 Ford F-350 Dump Truck w/snow plow package through the Michigan State Cooperative Purchasing Program (MI-Deal), at a cost not to exceed \$39,428.00.00.

NOW THEREFORE BE IT RESOLVED that the Adrian City Commission, by this resolution, hereby authorizes the acquisition of one (1)4X4 2012 Ford F-350 Dump Truck w/snow plow package through the Michigan State Cooperative Purchasing Program (MI-Deal), at a cost not to exceed \$39,428.00.

BE IT FURTHER RESOLVED that, in the best interests of the City and in accordance with the provisions of Chapter 12 of the City Charter and Chapter 9 of the Codified City Ordinances, the competitive bid process be waived.

On motion by Commissioner _____,

seconded by Commissioner _____,

this resolution was adopted by a _____ vote.